

fair and what is an expectation from the public. Senator Will and I were looking at the U.S. Constitution and it doesn't say anything about being entitled to a jury trial only if there is a possibility of imprisonment. It talks about in all criminal prosecutions. It's the Supreme Court that said a right to a jury trial kicks in if there is a sentence of imprisonment possible of six months or more. You all would be surprised at how many laws in even some of the worst states, when it comes to respecting the rights of people, go beyond the minimal requirements of the U.S. Constitution. The U.S. Constitution is like a floor. It sets the standard below which no state can go in subjecting the citizens to certain punitive measures, but there is nothing in the U.S. Constitution which says the state cannot provide more protection than that found in the U.S. Constitution and states have done that. States have done that. If a state puts into its laws the guarantee of a right to counsel and gives additional specifics, they are putting into their laws words that are not found in the U.S. Constitution when you begin to elaborate on what that right consists of and what it entails. So if the people in this or any other state had only those rights, which the Constitution guarantees against infringement, a lot of the rights which people now enjoy and take for granted and think they are constitutional, in the sense of being found in the Constitution, would be stripped away. My feeling is that regardless of what the U.S. Supreme Court said in terms of the minimum six months being required before a jury trial right kicks in, we, as a state, should understand that whenever one of our citizens or residents faces the possibility of being locked up, a jury trial should be as a matter of policy available in this state whether the charge is brought pursuant to a state statute or a city ordinance. We should not encourage cities to use stratagems to defeat the policy that the state has declared with reference to its own prosecutions. Senator Kristensen, I don't trust cities to do the right thing. I think determining whether or not a person has a jury trial is something which should be made, in terms of a policy, at a level higher than that of a city council. I think it is a matter of statewide concern and the state should act. Schools are considered to be matters of statewide concern and the state enacts laws relative to the schools, the districts, that the cities, the school boards themselves cannot contravene. To me, a right to a jury trial when you're facing imprisonment is more important than some of the things relative to the schools that we talk about. We made it possible for a person to be schooled at home, so it's clear that the state does not feel that